

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

ERIC D. AYERS,

Plaintiff,

v.

Civ. No. 18-1015 MV/GJF

MAXWELL H. PINES, et al.,

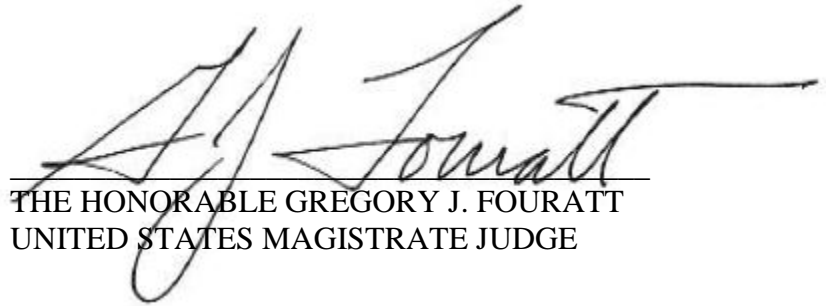
Defendants.

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on the Plaintiff's "Motion for Appointment of Attorney" ("Motion") [ECF No. 3]. The Court will deny the Motion. There is no right to appointment of counsel in a civil rights case. Instead, the decision whether to appoint counsel rests in the sound discretion of the Court. *Beaudry v. Corrections Corp. of America*, 331 F.3d 1164, 1169 (10th Cir. 2003); *MacCuish v. United States*, 844 F.2d 733, 735 (10th Cir. 1988). In making that determination, the district court should consider the merits of the litigant's claims, the nature and complexity of the factual and legal issues, and the litigant's ability to investigate the facts and to present his claims. *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). The Court has reviewed the Complaint in light of the foregoing factors. Plaintiff Ayers appears to understand the issues in the case and to be representing himself in an intelligent and capable manner. *See Lucero v. Gunter*, 52 F.3d 874, 878 (10th Cir. 1995). Accordingly, the Court will deny the Motion.

IT IS ORDERED that the Motion filed by Plaintiff Eric D. Ayers [ECF No. 3] is **DENIED**.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE